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REMARKS

Claims 1, 2, 13, 14, 16, 17, and 18 have been amended. Claim 21 has been added.

Claims 1-21 therefore are pending and are presented for review. Favorable reconsideration and allowance are requested in light of the foregoing amendments and the remarks which follow.

1. Interview Summary

Except for the incorporation of this "Interview Summary" section, this amendment is identical to the informal amendment emailed to the Examiner on December 29, 2004 with the understanding that the Examiner would review the proposed amendment and confirm that it would place the application in condition for allowance. In a telephone interview, conducted today, the Examiner agreed that the amended claims appear to be allowable, subject to an updated search.

2. Rejections Based on Prior Art

Claims 1, 10-14, and 17-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Matovich. Claims 1, 10, 11 and 17-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Johnson. Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matovich in view of Gordon. These rejections are respectfully traversed.

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As was clear from the claims as originally presented and previously recognized by the Examiner, the invention relates to a “triangulated” gantry, i.e., one having a triangular footprint. The structural and functional benefits of such a gantry as described in depth in the present application and in the response to the first Office Action. Nevertheless, the Examiner has withdrawn his earlier rejections and has now rejected the claims over the cited base references of Matovich and Johnson. Both documents disclose lifting devices whose lift legs can be varied relative to one another, at least during initial set up. However, a detailed discussion of the deficiencies of these references is not deemed to be necessary because it is clear that neither reference discloses a *triangulated* gantry having a triangular footprint. Both references instead disclose traditional four legged lift structures forming a *rectangular* footprint. To help delineate this clear distinction, applicant has amended each of the rejected independent claims 1, 3, 14, 16, 17, and 18 to specify that lines interconnecting the first, second, and third lift booms form an *acute* triangle. In geometry, an acute triangle is universally understood to mean one in which all three angles are acute angles. See, e.g., *Webster's Ninth New Collegiate Dictionary*. Regardless of which legs of the cited references' lifting devices the Examiner chooses to select as allegedly corresponding to the claimed first, second, and third booms, at least *one* of the angles formed by connecting the legs would necessarily be a *right* angle, and the corresponding triangle would therefore necessarily be a *right* triangle. Hence, applicant submits that each of the claims as amended indisputably is novel over the prior

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art relied upon in the Office Action. Since there is no suggestion in the prior art to modify either of base references to produce in the claimed invention, applicant also submits that each of the amended independent claims is clearly nonobvious over the prior art. Withdrawal of the rejections based on prior art and allowance of the previously rejected claims therefore are believed to be in order and are respectfully requested.

3. New Claim, Allowable Subject Matter and Conclusions

New claim 21 is similar to claim 1 as discussed above but specifies that the boom assembly *consists* of first, second, and third horizontally spaced booms. The closed ended term "consisting of" in paragraph (A) of claim 21 requires that any anticipatory mobile gantry must have *three and only three* booms. In contrast, the lifting device of each of the two primary references relied upon in the Office Action has *four* booms. Hence, claim 21 is believed to be novel and nonobvious over the prior art.

The indication of the allowability of claims 3-8 and of the presence of allowable subject matter in claims 2 and 9 is noted with appreciation. Claim 2 has been rewritten in independent form to include the limitations of original base claim 1, from which it depended. Because all claims are now believed to be in condition for allowance for the reasons discussed above, allowance of all claims and issuance of a Notice of Allowance are believed to be in order and are respectfully requested. Should there be any remaining questions the attending to of which would expedite such action the Examiner is requested to contact the undersigned at the telephone number appearing below.

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Applicant hereby authorizes the Director to deduct from Deposit Account No. 50-1170 the amount of \$200 in payment of the fee associated with the submission of two-additional independent claims in excess of 3 by a *small* entity. Should the Examiner consider any additional fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



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Dated: January 18, 2005

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